

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 2005-10508-
RGS**

**JOSEPH E. BLAKE,
Plaintiff,**

v.

**ROBERT MURPHY, *et al*,
Defendants.**

**DEFENDANT'S MOTION TO DISMISS, OR, IN
THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 12 (b)(6), defendants Robert Murphy and Kathleen Dennehy move to dismiss the plaintiff's complaint. Alternatively, the defendant moves for summary judgment pursuant to Fed. R. Civ. P. 56 (c). In support of this motion defendants submit a memorandum of law.

DEFENDANT ROBERT MURPHY

Respectfully Submitted,
By Their Attorney,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Brian P. Mansfield
Brian P. Mansfield, Counsel
Department of Correction
Massachusetts Treatment Center
30 Administration Road
Bridgewater, Massachusetts 02324
Telephone: (508) 279-8183
Facsimile : (508) 279-8181
BBO Number 564671

Dated: March 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that I did this day serve a photocopy of the above document upon the plaintiff by arranging for its delivery via the Department of Correction intra-facility mail system to him at Massachusetts Treatment Center, 30 Administration Road, Bridgewater, MA 02324.

Dated: March 20, 2006

/s/Brian P. Mansfield
Brian P. Mansfield